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Committee on Economic, Social and Cultural Rights

Fifty-second session

Summary record (partial)* of the 8th meeting
Held at the Palais Wilson, Geneva, on Thursday, 1 May 2014, at 3 p.m.

Chairperson: Mr. Dasgupta (Vice-Chairperson)
later: Mr. Kedzia (Chairperson)

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The meeting was called to order at 3 p.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Initial report of Indonesia (continued) (E/C.12/IDN/1; E/C.12/IDN/Q/1 and Add.1; HRI/CORE/IDN/2010)

1. *At the invitation of the Chairperson, the delegation of Indonesia took places at the Committee table.*

2. **Ms. Harkrisnowo** (Indonesia) said that responses to the outstanding questions concerning water, sanitation, finance and taxation would be provided in writing within 48 hours.

3. **Ms. Erliyana** (Indonesia) said that human rights instruction was included in educational curricula from elementary through to university level and was considered integral to the development of the nation and its people. In conjunction with various stakeholder organizations, the Government organized human rights training for trainers in law enforcement and justice, ran focus group discussions and seminars, and published awareness-raising leaflets and guidance manuals for media organizations, public figures, religious leaders and teachers. Specific subject areas covered included the rights of the child, conflict resolution, the right to health, reproductive rights, refugee rights, domestic violence and the right to water.

4. In the provision of education and training the Government worked closely with the National Human Rights Commission, the Children's Protection Commission and NGOs. Training for police and military officers was a particular priority; the Human Rights Centre of the Law Faculty of the University of Indonesia had organized courses designed to foster a more humane approach to policing demonstrations and handling demonstrators and the Chief of Police had issued specific regulations stipulating that human rights must be respected and protected in daily operations. Various organizations were involved in monitoring the conduct of executive, legislative and judicial bodies, including the National Human Rights Commission and the National Commission on Violence against Women.

5. The Government had launched a number of programmes to ensure access to education. The BOS School Operational Assistance programme helped children from poor families through elementary and middle education. Assistance was also available to help bright students from poor backgrounds to study in public or private universities. The authorities took a proactive approach, reaching out to poorer communities to bring children into education.

6. The eternal fund for education had recently launched a presidential scholarship programme and a number of the recipients had been students with disabilities. There were no national policies which prevented students with disabilities from applying to university and sitting entrance examinations and any such incidents were exceptional. Following a recent case, a full apology had been issued by the admissions committee and the rector concerned. In future, all persons with disabilities would be able to access the relevant forms and documents through the admissions website of the State universities selection service (SNMPTN).

7. The Government was firmly committed to preserving the nation's heritage, as stipulated in Act No. 11/2010 on national cultural heritage and Act No. 5/1992 on tangible cultural heritage, and had designated more than 400 sites as cultural heritage of *Masyarakat Adat*. Guidelines for the preservation of their social and cultural values, organizational

structures, palaces and languages were contained in regulations issued by the Minister of the Interior in 2007. In addition, traditional housing was being constructed in locations of cultural and historical importance and a number of festivals celebrating local traditions and cultures, such as the Baliem Valley Festival in West Papua, took place each year. Centres of Indonesian culture were currently being established in Germany and Japan and an Information Centre housing a library, film centre, workshop and seminar facilities had been opened by the Ministry of Social Affairs in 2003.

8. The development and preservation of national and regional languages were supported under Act. No 24/2009 concerning the national flag, language, emblem and anthem, and the use of regional languages had been encouraged in formal and informal communications in local government contexts since 2010. For example, local government officers in some regions were under an obligation to use Javanese every Friday while in the city of Banten use of Sundanese had been formally encouraged every Wednesday since 2012. Pursuant to Ministry of Education and Culture regulations issued in 2013, schools were required to include local languages in the curriculum and using local languages as the medium of instruction was encouraged for grades 1 to 4.

9. With a view to preserving languages under threat of extinction, various research projects were under way, some involving interviews with remaining native speakers. The aim was to map out language spread, document language systems, analyse grammatical structures, measure levels of endangerment and, on that basis, set conservation priorities. The Language Development Agency was compiling a dictionary of endangered local languages, due to be completed by 2015. The 2010 census had identified around 1,300 ethnic codes and more than 1,000 language codes.

10. **Ms. Harkrisnowo** (Indonesia) said that education, including books, was free of charge from elementary to middle school level.

11. **Mr. Arif** (Indonesia) said that *ulayat* (collective) rights were recognized in the legal system of Indonesia, specifically in article 18 (b) of the Constitution. Those rights could be applied in local communities provided there was a clear functional relationship between *Masyarakat Adat* and the land. Decisions concerning the recognition of *Masyarakat Adat* villages and land fell under the purview of regional governments and were regulated by local by-laws. Most frequent in the provinces of Papua, West Papua, West Sumatra and North Sumatra, *ulayat* rights and their application were the subject of ongoing discussion between government authorities and the communities concerned.

12. **Ms. Erliyana** (Indonesia) said that educational participation rates were higher among girls than among boys at all levels of instruction. In 2012, 98.17 per cent of girls aged between 7 and 12 years had been attending school, compared with 97.95 per cent of boys.

13. **Ms. Harkrisnowo** (Indonesia) said that information about school dropout rates would be provided subsequently in writing.

14. **Mr. Mancisidor** asked to what extent local corruption was impeding the educational decentralization process. He also enquired about the scope of the constitutional provision stipulating that the promotion of science should be concordant with religious values and respect for national unity, including examples of situations in which science might be considered an obstacle to either of the latter.

15. **Ms. Shin** said that, while Government efforts to improve the quality of education were encouraging, she was concerned by reports that teacher absenteeism in schools in Papua could be as high as 50 per cent. Specific information about the situation in Papua would therefore be appreciated. For example, were textbooks and students' additional expenses met by the State, and were there sufficient teachers to meet needs?

16. **Ms. Ravenberg** asked what was being done to guarantee the rights of all children to receive formal education, especially children living in rural and mountain areas, in Papua and West Papua, and in displaced Ahmadiyah communities.

17. **Mr. Darmono** (Indonesia), while conceding that education in Papua and West Papua was not yet adequate, said that the Government had adopted various measures to improve its quality. The situation in Papua was acute and the Government had identified 95 isolated districts in 21 regions as needing urgent, comprehensive intervention. Those districts were receiving special attention from the Ministry of Education and Culture in an effort to revitalize early-years education and elementary schools. New schools and additional classrooms were being built and the Ministry had allocated more teachers.

18. In 2012, 400 teachers had been assigned to Papua under a special programme and, in 2013, a further 900. Those numbers still fell short of requirements but the regional government endeavoured to recruit contract teachers to fill the gaps and ensure that children in affected areas were not disadvantaged. For the years ahead, in view of the difficulty of attracting university graduates into teaching in Papua and West Papua, the authorities planned to recruit high-school graduates to train as teachers.

19. There was also a need to address the persistently high adult illiteracy rates in Papua. In 2014, the aim was to provide access to elementary education to around 17,000 adults, principally in the 95 priority districts.

20. Under another recently introduced programme, children who had completed junior high school in Papua had the opportunity to continue their high-school education elsewhere in Indonesia. As a result, in the 2013/14 academic year around 500 students from Papua were attending high schools in Java and Bali. High-school graduates from Papua were also being encouraged to pursue higher education studies in universities across Indonesia. Over 700 high-school graduates had been accepted for the 2012/13 academic year and just short of 600 for the 2013/14 academic year. Thus, the Government was endeavouring to increase access to education for all Papuans at all levels. It was also working with religious foundations to build an optimized educational system based on boarding schools.

21. **Ms. Harkrisnowo** (Indonesia) said that Mr. Mancisidor's question was complex and would therefore be answered subsequently in writing.

22. **Ms. Shin** asked whether it was true that 50 per cent of teachers in Papua and West Papua failed to turn up for work. Expressing concern that revoking the operating licence of agencies with questionable practices was insufficient punishment because they simply reopened under a new name, she recommended that the State party should improve the monitoring of recruitment agencies and adopt more dissuasive penalties. She welcomed the fact that migrant workers had access to a complaints mechanism, but requested additional information on follow-up of complaints and provision of compensation, reparation and rehabilitation.

23. **Mr. Darmono** (Indonesia), while acknowledging that teachers in those provinces had to work in challenging conditions, said it was absolutely untrue that half of them did not report to work. The Government was attempting to incentivize teachers to volunteer for postings there, but the security situation deterred many.

24. **Ms. Bras Gomes**, referring to the issue of land grabbing, said that development could not be sustainable if it failed to take account of human rights. In the Committee's experience, development plans tended to contain legislative, monitoring and information gaps. She asked whether the Constitutional Court decision that Law No. 41 of 1999 on Forestry was unconstitutional would have a real impact on the authorization of future economic development projects. She also requested an example of a case where the

population's strong disagreement with a project had actually been taken into account and had forced its reconsideration.

25. **Ms. Ravenberg**, referring to her earlier question about the education of members of the Ahmadiyah community, asked whether children from that community were enrolled in school despite the fact that their parents often lacked the identification documents usually required for enrolment. She enquired about the availability and accessibility of mental health-care services countrywide.

26. **Mr. Martynov**, given that the current National Medium Term Development Plan would be ending that year, asked whether the measures and programmes for underdeveloped regions would carry over into the next plan.

27. **Mr. Kedzia**, referring to the State party's tentative openness to consider ratifying the Optional Protocol, noted that international protective mechanisms were not intended to supplant domestic remedies. On the contrary, many countries had found that recognizing international complaints procedures had helped them strengthen and expand their domestic protective capacity. Pointing out that anti-corruption activists and human rights defenders often faced similar challenges and risks, he asked whether the Corruption Eradication Commission and the National Human Rights Commission worked closely together. How did the delegation view the impact of corruption on the enjoyment of economic, social and cultural rights and what measures were the Government and civil society taking to counterbalance that impact?

28. **Mr. Marchán Romero**, referring to the case of Prita Mulyasari who had been sued for defamation after complaining online about her misdiagnosis in hospital, asked how the State party justified prison time and astronomical fines in such situations and what measures it was considering to promote the Internet as an instrument of free speech and information exchange.

29. **Mr. Pillay** repeated his questions regarding the State party's implementation of the recommendations of the Special Rapporteur on adequate housing.

30. **Ms. Cong** urged the State party to provide further disaggregated statistics on poverty in Papua and West Papua in its next periodic report.

The meeting was suspended at 4.05 p.m. and resumed at 4.25 p.m.

31. *Mr. Kedzia took the Chair.*

32. **Ms. Grandty** (Indonesia) said that the country's own targets regarding drinking water and sanitation were the same as those defined under the Millennium Development Goals. The use of the words "improved" versus "adequate" did not imply that water and sanitation were measured differently; rather, that, in Indonesia, it was not only a matter of increasing access but also of ensuring that what was delivered was fit for consumption. The Government was taking steps to preserve the purchasing power of low-income households and their ability to meet their basic needs, primarily by maintaining inflation at 7 per cent. The significant efforts under way to narrow the gap between underdeveloped and more developed regions, through economic growth and poverty reduction, would carry over into the next development plan. Between 2010 and 2012, the resources available for development had increased by over 15 per cent, of which nearly two thirds had come from new tax revenue, and had had a marked impact on the enjoyment of human rights.

33. **Mr. Saragih** (Indonesia) said that the law provided for migrant workers to be insured before, during and after their placement abroad. There were also provisions for dispute settlement between migrant workers and their foreign employers, especially in areas with a large Indonesian migrant population. Although out-of-court settlement was encouraged, the parties could request the assistance of the competent entity if they could

not come to an agreement. The situation of migrant workers in Indonesia was monitored by the relevant institutions as well as regional and local authorities.

34. **Mr. Nahar** (Indonesia) said that the Ministry of Social Affairs had cooperated with the local Indonesian mission and the foreign employer in a number of disputes, including in cases where migrant workers had been killed. The Ministry also provided psychological support services for returnees who had had a distressing experience abroad.

35. **Mr. Arif** (Indonesia) said that various development projects, such as projects to build highways or nuclear power plants, had been postponed because no agreement had been reached during the negotiation process with the affected communities. With regard to legislative review, the decisions of the Constitutional Court were final and legally binding and would serve as the basis for future Government policy.

36. **Mr. Amiruddin** (Indonesia) said that several companies wanted to start plantations in Papua province but had thus far been unable to do so, as negotiations with local communities were still ongoing.

37. **Ms. Erliyana** (Indonesia) said that, pursuant to a presidential instruction, the Ministry of Education and Culture must continue to provide access to education in areas where conflicts involving Ahmadis had broken out.

38. **Mr. Nahar** (Indonesia) said that the Ministry of Social Affairs worked in cooperation with local governments and law enforcement officials to ensure that Ahmadi children were not kept in isolation and that they received an education.

39. **Ms. Viora** (Indonesia) said that, according to a study conducted in 2004, only 3.5 per cent of persons with serious mental illness had access to proper health-care services, and they often turned to traditional healers rather than travelling to the nearest mental hospital. It was estimated that about 50,000 persons with serious mental illness were kept under physical restraint. That situation was due in part to a shortage of mental health-care providers, and a programme had been launched in 2011 to curb the use of physical restraints.

40. A number of measures were being taken to reduce treatment gaps. A bill on mental health was currently being drafted and was expected to be completed by the end of 2014. Several regional regulations and laws on the issue had been introduced. Not all provinces had a psychiatric hospital, and, according to research conducted in 2011, only 30 per cent of primary health-care facilities were equipped to deal with mental health-care issues. Regional governments had received budget allocations to increase their capacity in primary and secondary health-care services, and a task force on mental health was being established to strengthen coordination on the issue. The Government was also working to raise public awareness of mental health issues.

41. **Mr. Nahar** (Indonesia) said that the Ministry of Social Affairs and the Ministry of Health were working jointly to improve access to health care for persons with mental disabilities, both in shelters and in hospitals.

42. **Mr. Anshor** (Indonesia) said that the current national human rights action plan was set to expire in 2014 and that when drafting the subsequent action plan the Government would consider the question of acceding to or ratifying various international instruments, including the Optional Protocol to the Covenant. He was not aware of any issues concerning the protection of anti-corruption activists. The public was becoming increasingly aware of corruption's adverse effect on the State's capacity to fulfil its human rights obligations, and that awareness would strengthen the potential of the Corruption Eradication Commission.

43. **Mr. Arif** (Indonesia) said that, in two separate cases brought before the Supreme Court, Prita Mulyasari had won her appeal and been released from all punishments initially imposed on her. The Information and Electronic Transaction Law was currently under review as a result of her case.

44. **Mr. Anshor** (Indonesia) said that, at the most recent session of the Human Rights Council, the delegation of Indonesia had recognized the usefulness of the report issued by the Special Rapporteur on adequate housing, noting that it served to identify gaps between the commitments made by the State and its policies and actions. The report was currently being translated into Bahasa Indonesia so that all stakeholders could study it.

45. **Ms. Harkrisnowo** (Indonesia) said that both the delegation and the Committee members had participated constructively in the vibrant discussion, which had provided an opportunity to take stock of her Government's efforts to advance human rights and to identify areas for improvement. The discussion had touched on many issues, including gender equality, protection for persons with disabilities and the eradication of corruption. Her delegation would provide answers in writing to the questions it had not been able to answer. Indonesia would also include more statistics in its next report, as requested. Her Government was fully aware of the many challenges it faced in the promotion and protection of human rights in Indonesia but was committed to overcoming those challenges. Civil society organizations were invaluable partners in that regard and alerted the Government to issues that needed to be addressed. She hoped that the Committee's concluding observations would serve as the foundation for further constructive cooperation between Indonesia and the Committee.

46. **Mr. Abashidze** (Country Rapporteur) said that the Committee had prepared very carefully for the dialogue with the delegation and had listened attentively to the answers provided. The purpose of its many questions was to better understand the situation regarding various areas of interest in the country. In its concluding observations and recommendations, it would draw attention to the main issues of concern so that the Government could focus its efforts. One of the primary objectives of the ongoing dialogue with the State party was to identify trends in the implementation of economic, social and cultural rights from one reporting period to the next. He hoped that it would also enable the people of Indonesia to learn more about the Committee's work and about the outlook for the fulfilment of their economic, social and cultural rights.

47. **The Chairperson** said that he was very impressed by the high quality and representativeness of the large delegation and hoped that the delegates would share the Committee's views and concerns with their respective departments and ministries upon their return. The dialogue constituted an important first step in relations between the Committee and the State party, which had now seen the high importance the Committee attached to such dialogues. The Committee valued detailed responses explaining not just the State's laws, policies and programmes but also the real impact of the measures taken. Any criticisms expressed in the Committee's concluding observations would be aimed at assisting the State party in its efforts to promote and protect human rights.

The discussion covered in the summary record ended at 5.15 p.m.